

FLORES v. D.C. RENTAL HOUSING COMMISSION, 547 A.2nd 1000 (1988)

Court: D.C. Court of Appeals, opinion by Rogers, AJ

Judicial History: Landlord sought petition for review of Rental Housing Commission's (RHC) denial of his motion for administrative reconsideration finding him liable for violating rent control provisions.

Facts: Landlord appealed from the decision of the RHC upholding an award of damages to his former tenant for rent charged in excess of the legal rent ceiling for her apartment on the grounds that he was within the small landlord exemption of the Rental Housing Act of 1980. The Court of Appeals agreed with the RHC that it was without jurisdiction to hear the appeal because the landlord's petition for review was untimely filed.

Holding: The Court of Appeals held that petition for review was untimely when filed 39 days after automatic denial by Commission of motion for administrative reconsideration.

Reasoning: The 30-day period for landlord's appeal from Rental Housing Commission decision began to run when landlord's motion for reconsideration was automatically denied by Commission's failure to rule on motion within 15 days of filing; even granting landlord additional five days because denial occurred out of his presence, petition for review filed 39 days after the denial was untimely.

Decision: Dismissed.